IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14895 of 2003

Between:

Smt.M.Leela w/o Sri Late M.Hanumantha Rao
R/o Flat No.12, Chetana, R & D Defence Colony., Chandulalbowli., Bowenpalli., Secunderabad.

..... PETITIONER

AND

State Bank of Hyderabad, SIB & Agrl.Division., Gunfoundry Branch. Hyderabad, rep.by its Chief Manager.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in issuing the possession notice vide No.159, dated 14-06-2003 to dead person Mr.M.Hanumantha Rao, husband of the petitioner U/s 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 as infructuous, illegal, arbitrary, against the principles of natural justice and violative of Articles 21, 19(g) and 300A of the Constitution of India

For the Petitioner:MR.V.V.RAMANA

For the Respondent : MR.K.V.SIMHADRI

The Court made the following:

Oral Order: (per Sri Devinder Gupta, CJ)

In view of the decision rendered by the Hon'ble Supreme Court in Transfer Case (Civil) No. 92-95 of 2002, dated 8th April, 2004 *(MARDIA CHEMICALS LTD v. UNION OF INDIA AND OTHERS*), challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is not tenable and for that reason, relief prayed for cannot be granted.

The Writ petition, therefore, is dismissed.

_____

DEVINDER GUPTA, CJ

_____

G. ROHINI, J.

Date: 24th June, 2004

Pnb

To:

1. The Manager,
   State Bank of Hyderabad,
   SIB & Agrl.Division.,
   Gunfoundry Branch.
   Hyderabad.

2. Two C.D. Copies